

From: Galioto, Sarah A. [mailto:sgalioto@sonnenschein.com]
Sent: Wednesday, March 22, 2006 4:02 PM
To: Satter, Susan L.
Subject: RE: ICC Docket 06-0028 Consent to release aggregate data

Susan,

The Verizon entities do not object to the release of the aggregate information you have identified in AG Ex. 1.0, Selwyn Direct. This is based on two assumptions. First, that the information marked as proprietary in Table 7 is the same as the information stated publicly in the paragraph immediately preceding Table 7 (i.e., lines 1 to 4 on pg. 118). Second, that the information marked as proprietary in Table 8 is the same information as that in the ICC annual report but simply from a different source. If these assumptions are not correct, please let me know.

Regarding the information you have identified in Staff Ex. 2.0, Zolnierrek Direct, the Verizon entities do not object to the release of the following information:

- The number of exchanges in which aggregate carriers provide service by resale and combined UNE-L, facilities and third party platform (p 31 In 707, p 52 In 1156)
- Aggregate CLEC lines in MSA 1 and aggregate CLEC non-measured service lines in MSA 1 (p 52 In 1172-73, p 68 In 1505-06)
- Range of aggregate CLEC market shares across exchanges (without identifying specific market shares to specific exchanges) (p 53 In 1179)

However, Verizon does object to the release of information pertaining to (i) the largest carrier (p 38 In 848; p 42 In 942; p 46 In 1022; p 51 In 1151) and (ii) the single carrier using LWCs (p 41-42; p 69 In 1524-29). With the elimination of AT&T, Verizon Business (former MCI) would reasonably be the "largest carrier" competing in MSA 1. In addition, your witness testified that there is only one carrier using the LWC platform (Selwyn Dir. at 132, In 6-7), fMCI is using LWC and its agreement with SBC was filed publicly with the FCC and ICC. Accordingly, the release of information regarding the largest carrier and single carrier using LWC would be fMCI-specific and objectionable.

Verizon also objects to the release of information that pertains to carrier subsets (p 30-31, In 969-703, 710; p 32, p 37-38; p 45; p 51; p 52 In 1159; p 68-71 In 1510-58). While it is impossible to tell how big these subsets are from the public testimony, clearly at least some of them are quite limited as the LWC subset contains only a single carrier, fMCI. When the information gets narrowed into these subsets that contain limited numbers of carriers, competing carriers can start figuring out other carriers' information simply by subtracting their own line counts/market shares from the subset aggregate or by making educated assumptions about the limited carriers in the subset. This is especially so when a subset only contains a few carriers. As such, at this time, Verizon has to object to the release of information that is narrowed into carrier subsets. Nonetheless, if you can provide me any information that would prove any of this information is still sufficiently aggregated, then Verizon may be able to reconsider and/or narrow the scope of the information covered by this objection.

I think that these comments cover the spectrum of the information that you would like to release by page and line number. If there is any information I have missed, i.e., not identified by page and line number herein, please let me know and we will address it.

Thanks.
Sarah

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Sent: Thursday, March 16, 2006 4:15 PM

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Attached please find a letter requesting that certain aggregate information referenced in the Direct Testimony of James Zolnierrek, Staff Ex. 2.0, and in the Direct Testimony of Lee L. Selwyn, AG Ex. 1.0 in ICC Docket 06-0027 be treated as public. The information aggregates data from all CLECs in MSA 1 and does not identify any carriers, companies or parties. The issue is addressed more fully in the attached letter.

A copy of this letter is being sent to all carriers, companies and parties identified in ICC Dockets 06-0028 and 06-0027. The few parties without an e-mail address on e-docket are being sent this letter by United States Mail.

I look forward to receiving your consent or comments.

<<Public filing aggregate data LTR.pdf>> <<Service List 06 0028.doc>>

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